



## OFFICE OF THE LIEUTENANT GOVERNOR

State Capitol, Fifth Floor  
Honolulu, Hawaii 96813  
Phone: (808)586-0255  
Fax: (808)586-0231  
email: [ltgov@hawaii.gov](mailto:ltgov@hawaii.gov)  
[www.hawaii.gov/ltgov](http://www.hawaii.gov/ltgov)

**JAMES R. AIONA, JR.**  
LIEUTENANT GOVERNOR

Letter to the Editor

May 4, 2004

### **“Petty Politics Hurts Drug Fight”**

By Lieutenant Governor James R. “Duke” Aiona, Jr.

In their rush to quickly demonstrate that they have the votes to override vetoes, the Democrats in the legislature have saddled the people of our State with a grossly flawed “ice” bill. It is a bill so flawed that almost no one supported it except the Democrats who actually wrote it; hardly a formula for good legislating. Groups and individuals with as far ranging views as the Honolulu City Prosecutor and the State Public Defender, as well as Mayor Jeremy Harris, urged a veto, not because the bill was not well-intentioned (it may have been) but rather, because it was neither well written nor well thought out.

If rather than rush to pass this bill early, the Democrats had taken more time with it, the Constitution would have given them the ability to fix the flaws and send it back to the Governor for signature. We made repeated attempts to meet with the Senate and House Joint Ice Task Force to address and resolve these flaws in a bipartisan manner. Unfortunately, Senator Hanabusa and Representative Hamakawa stonewalled our attempts to discuss real solutions to real problems. The Democrats were, however, more interested in showing who’s got the votes rather than who’s got the sense. Just a few provisions of the bill clearly demonstrate this.

In a laudable attempt to facilitate the availability of drug rehabilitation homes (“clean and sober homes”) the legislature overrode both the counties’ home rule and common sense, and by state law provided that any such home, housing up to ten people, would be allowed in any residential area and would need “no conditional use, permit, variance, or special exception” of any kind whatsoever. This appears to mean no building permit, no electrical permit, no nothing. While an informational meeting is required, county government can do nothing to stop a project no matter how many citizens protest, no matter how inappropriate the placement is, and no matter how many of these houses are being placed in the same small neighborhood. Good policy? Hardly.

While at the same time talking about getting local control to the schools, the Democrats repealed much of the DOE's zero tolerance for drugs and alcohol policy and mandated that DOE could not discipline a student selling (or using) drugs on campus, without first referring the child to a certified substance abuse counselor to see if treatment is needed. Treatment is extraordinarily important, but if a child is selling (or using) drugs on school property, the schools need the flexibility to be able to impose discipline in addition to providing drug treatment. The bill actually forbids discipline in many circumstances, even if the student is a second, third or fourth offender. And, if the student is not in need of drug treatment, he or she can be disciplined, so that sends the message that if you are going to be selling, make sure you're using too. Ill-thought out, but part of the rush to override.

The Democrats, while talking about the dangers of ice, and how they have toughened laws, actually significantly reduced penalties for what is the most dangerous crime; ice manufacturing. They reduced from a Class "A" to a Class "B" felony the crime of manufacturing small quantities of ice, while leaving the manufacture of small quantities of all other "dangerous drugs" a Class "A" felony (Why?, Who knows.) They significantly reduced the mandatory minimum penalty for manufacturing large quantities of ice. This was either bad drafting, or bad policy, or both, but again, because the Democrats were so intent on giving themselves the ability to override a veto during the regular session, they have denied themselves the ability to fix this problem.

The final flaw in this bill I will discuss here (there are many more) is that the Democrats chose to provide felony drug offenders with multiple prior felonies who would otherwise face mandatory minimum sentences, the possibility of probation, even though no other criminals would get this benefit. This makes no sense, offenders with many prior convictions should go to jail.

At the same time they were rushing to override, the Democrats failed to help law enforcement in many ways. The Legislature set up a very balanced three strikes task force last year that proposed a modest but important change in the law to help protect our citizens with regard to habitual violent felons. House Democrats would not even hear the bill and thus it died. Why? Hawaii does not have a workable bribery law. House Democrats let the law enforcement proposal that had passed the Senate die. Why? Again, who knows? Although Hawaii desperately needs a workable electronic surveillance law, and despite the fact that a bill overwhelmingly passed both the House and the Senate, Democrats completely killed the measure in Conference Committee at the 11<sup>th</sup> hour despite the fact that law enforcement indicated that either version was a vast improvement on the current state of the law. Of course doing it that way means that Democrats who voted for the measure on the floor can say: "It wasn't me."

To me it is clear that 1) the ice bill will do some good and a great deal of harm, and the Governor's veto should not have been overridden; 2) the Legislature's Democrats acted hastily because of public relations and politics and not in an effort to set good policy; and 3) it is time for the people of Hawaii to stand up and demand thoughtful and conscientious legislators who are above petty politics.